

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. William H. Walls
:
v. : Crim. No. 09-112(WHW)
:
PEDRO AVELLANEDA-CHAVEZ : CONTINUANCE ORDER

A criminal indictment charging the defendant with possessing with intent to distribute one kilogram or more of heroin in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), having been published on February 24, 2009; and the defendant being scheduled for arraignment before the Court on March 18, 2009; and the defendant being represented by K. Anthony Thomas, Esq.; and the defendant and his counsel being aware that he has the right to have the matter brought to trial within seventy (70) days of publication of defendant's indictment on this charge, pursuant to Title 18, United States Code, Section 3161(c)(1); and three continuances having previously been granted by this Court pursuant to Title 18, United States Code, Section 3161(h)(8)(A); the defendant hereby requests a continuance pursuant to Title 18, United States Code, Section 3161(h)(8)(A) in order to permit the time necessary for the defendant to negotiate a plea agreement; the Government having agreed to this continuance; and for good cause shown;

IT IS on this 23 day of October, 2009,

ORDERED that from October __, 2009, to and including

December 15, 2009, shall be excluded under the Speedy Trial Act from calculation of the time within which this matter must be tried for the following reasons:

1. Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to finalize a plea agreement, which would render trial of this matter unnecessary;

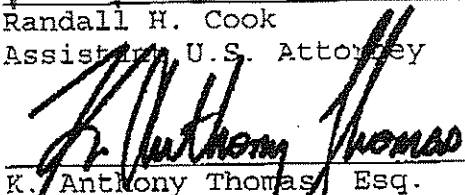
2. The grant of a continuance will likely conserve judicial resources;

3. Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

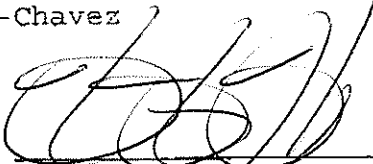
SEEN AND AGREED:



Randall H. Cook
Assistant U.S. Attorney



K. Anthony Thomas, Esq.
Counsel for Pedro Avellaneda-Chavez



HONORABLE WILLIAM H. WALLS
United States District Judge